



EXTRAORDINARY
PART II—Section 2
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RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 1st May, 1961:—

I

BILL No. XVII OF 1961

A Bill to provide for the implementation of the recommendations of the Central Wage Board as respects the basic wages or salary payable to certain persons employed in textile establishments and for matters connected therewith.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Cotton Textile Workers (Central Wage Board Recommendations) Act, 1961. Short title and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Central Wage Board" means the Central Wage Board for the cotton textile industry set up by the resolution of the Government of India No. WB-1 (3), dated the 30th March, 1957, and published in the Gazette of India, Part I, Section 1, dated the 6th April, 1957;

(b) "clerk" means a person, not being a manual worker, who is employed in a textile establishment as a junior clerk or semi-clerk within the meaning of the Standardisation Award of 1948 made in relation to the textile industry in the city of Bombay or employed in any other comparable capacity, but does not include a person who is employed in a managerial, administrative or supervisory capacity.

(c) "manual worker" means a person, not being a clerk or a person performing functions in a managerial, administrative or supervisory capacity, who is employed in a textile establishment as a sweeper, *mazdoor*, machine attendant, ring frame worker, weaver, sizer, jobber or in any other similar capacity involving manual labour;

(d) "textile establishment" means a cotton textile establishment in which processes connected with weaving and spinning or spinning alone are being carried on with the aid of power, but does not include an establishment in which processes connected with weaving only are being carried on.

Manual workers and clerks entitled to increase in basic wages and salary as specified in the Schedule.

3. Every manual worker and clerk employed in a textile establishment shall, on and from the 1st day of January, 1960, be entitled, in pursuance of the recommendations of the Central Wage Board, to be paid by his employer an increase in his basic wages or, as the case may be, his basic salary calculated at the rates and in the manner specified in the Schedule.

Recovery of basic wages and salary due to manual workers and clerks.

4. (1) Where any amount due to a manual worker or a clerk by way of basic wages or salary for any period commencing on or after the 1st day of January, 1960, as increased by the provisions contained in this Act, is in arrear, the manual worker or clerk, as the case may be, may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the arrears of the basic wages or basic salary due to him, and if the State Government or such authority as the State Government may specify in this behalf is satisfied that any amount is so due, it shall issue a certificate for that amount to the Collector, and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

(2) If any question arises as to the amount due under sub-section (1) to any manual worker or clerk, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under section 7 of the Industrial Disputes Act, 1947, and the said Act shall have effect in relation to the Labour Court as if the question so referred were a matter referred to in the Second Schedule to that Act which has been referred to the Labour Court for adjudication.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1).

5. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith in the terms of any award, agreement [other than an agreement referred to in clause (d) of sub-section (1) or sub-section (2) of section 7] or contract of service, whether made before or after the commencement of this Act.

Effect of laws and agreements inconsistent with Act.

(2) Notwithstanding anything contained in sub-section (1), nothing contained in this Act shall be construed—

(a) to affect any higher basic wages or a more favourable scale of salary to which a manual worker or clerk, as the case may be, may be entitled immediately before the 1st day of January, 1960, or to affect any other amenities or benefits which he is in receipt of or to which he is entitled under the terms of any award, agreement, contract of service or otherwise; or

(b) to preclude any manual worker or clerk from entering into any agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable or advantageous to him than those for which provision is made in this Act.

6. Notwithstanding anything contained in any other law for the time being in force, no claim for further revision of the basic wages or basic salary payable to a manual worker or a clerk shall be entertained by any body or authority as an industrial dispute for a period of five years from the 1st day of January, 1960, and during the said period of five years no manual worker or clerk shall go on strike and no employer in relation to a textile establishment shall declare a lock-out on the ground that the basic wages or basic salary of manual workers or clerks require or requires revision, and any such strike or lock-out shall be deemed to be illegal within the meaning of the Industrial Disputes Act, 1947, and the provisions of that Act in relation to lock-outs and strikes shall apply accordingly.

Restrictions on claims for further revision of basic wages and salary.

7. (1) This Act shall not apply to a textile establishment—

(a) which has been closed down before the commencement of this Act; or

Act not to apply in certain cases.

(b) in respect of which an order made under section 18A of the Industries (Development and Regulation) Act, 1951, is in force; or

(c) into the circumstances of which an investigation has been made before the commencement of this Act or is being made at such commencement under section 15 of that Act; or

(d) in respect of which in accordance with an agreement reached before the commencement of this Act between the employers and manual workers and clerks, the recommendations

of the Central Wage Board relating to their basic wages or, as the case may be, their salary are being implemented.

(2) Where, in respect of a textile establishment, an agreement is reached after the commencement of this Act between the employers and the manual workers and clerks for the implementation of the recommendations of the Central Wage Board relating to their basic wages or, as the case may be, their salary, the provisions of this Act shall cease to apply to such textile establishment with effect from the date of the implementation of the recommendations in accordance with such agreement.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Central Government may, by notification in the Official Gazette, apply the provisions of this Act to any such textile establishment as is referred to therein, if it is satisfied that—

(i) in the case of a textile establishment referred to in clause (a) of sub-section (1), it has recommenced its business;

(ii) in the case of a textile establishment referred to in clause (d) of sub-section (1) or sub-section (2), the agreement is not being implemented; and

(iii) in the case of a textile establishment referred to in clause (b) or clause (c) of sub-section (1), it is expedient or necessary so to do;

and any such notification may provide for the modifications, if any, subject to which this Act shall apply.

(4) Every notification issued under sub-section (3) shall be laid as soon as may be after it is issued before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

Power of
exemption.

8. (1) If the Central Government, having regard to the financial position and other relevant circumstances of any class of textile establishments, is of opinion that it will not be in public interest to apply the provisions of this Act thereto, it may, by notification in the Official Gazette, exempt, subject to such conditions as it may think fit to impose, such class of textile establishments from the operation of the provisions of this Act.

(2) Where any notification under sub-section (1) granting any exemption in respect of a textile establishment is cancelled, the provisions of this Act shall apply in relation to that establishment from the date of such cancellation.

THE SCHEDULE

(See section 3)

PART I

Division of textile establishments into two categories

1. For the purposes of this Act textile establishments shall be divided into the following two categories:—

Category I.—Textile establishments in Bombay city and island (including Kurla), Baroda, Billimora, Nadiad and Navsari; Ahmedabad and Surat, Phagwara and Hissar; Delhi, Modinagar, the city of Calcutta, the State of Madras and Bangalore.

Category II.—Textile establishments in all the other places to which this Act extends.

PART II

Manual workers

2. An increase in the basic wages at the average rate of Rs. 8 per month shall be given to each manual worker in textile establishments in Category I from the 1st day of January, 1960, and a further flat increase of Rs. 2 per month shall be given to each such manual worker from the 1st day of January, 1962.

3. An increase in the basic wages at the average rate of Rs. 6 per month shall be given to each manual worker in textile establishments in Category II from the 1st day of January, 1960, and a further flat increase of Rs. 2 per month shall be given to each such manual worker from the 1st day of January, 1962.

4. The increases in the basic wages provided in paragraphs 2 and 3 are subject to the condition that the increase at the average rate of Rs. 8 or, as the case may be, at the average rate of Rs. 6 ensures that a sum of not less than Rs. 7 or Rs. 5, as the case may be, becomes payable to the lowest paid manual worker and that the increase of Rs. 2 from the 1st day of January, 1962, is a flat rate for all manual workers.

5. The consequential adjustments in the basic wages of manual workers other than the lowest paid shall be worked out by the employers and the workers concerned in accordance with the recommendations of the Central Wage Board and the provisions contained in paragraphs 2 and 3.

PART III

Clerks

6. The scales of pay of junior clerks and semi-clerks shall be as follows:—

(1) Junior clerks in textile establishments in Category I:—
Rs. 75—5—105—7½—150—EB—10—200—12½—250.

(2) Semi-clerks in textile establishments in Category I:—
Rs. 50—3—80—EB—5—125.

(3) Junior clerks in textile establishments in Category II:—
Rs. 60—5—90—6—120—EB—7½—150—10—200.

(4) Semi-clerks in textile establishments in Category II:—
Rs. 40—3—70—EB—5—105.

7. A junior clerk whose basic salary was before the 1st day of January, 1960, higher than the minimum of the new scale applicable to him under this Act shall first be fixed in the new scale in accordance with the basic salary already being drawn; and, if the salary so fixed falls within two stages of the new scale, his salary shall be so fixed that after being placed in the next higher stage in the new scale he gets two further increments in that scale.

8. A junior clerk whose basic salary immediately before the 1st day of January, 1960, was less than the minimum of the new scale shall be deemed to have been brought up to the minimum of the new scale on the 1st day of January, 1960, and shall then be given one increment in that scale for each year of service completed before the said date subject to a maximum of two increments.

9. The semi-clerk shall have his basic salary fixed in the new scale applicable to him under this Act in the manner specified in paragraphs 7 and 8 for the fixation of the basic salaries of junior clerks.

10. The efficiency bar shall be sparingly applied by the employer and only in cases of distinct fall in efficiency.

11. There shall be no grade of clerk below the grade of semi-clerk and with the exception of the semi-clerk the lowest paid person among clerks shall be the junior clerk, and his salary shall be fixed in the manner prescribed herein in relation to junior clerks.

12. The provisions of this Part relating to junior clerks and semi-clerks shall be deemed to have taken effect on and from the 1st day of January, 1960.

PART IV**General**

13. In fixing the wages or salary of a manual worker or a clerk no discrimination shall be made between a man and a woman doing the same work.

14. It shall be the duty of the employer in relation to a textile establishment to revise the scales of pay of clerks above the grades of junior clerks and semi-clerks and of stenographers and persons employed in the establishment otherwise than in a managerial, administrative or supervisory capacity who are not covered by the provisions of Part III in such a manner that the revision takes into account their own position before the 1st day of January, 1960, in relation to the clerks for whom provision is made in this Act, their respective duties and responsibilities and the basic salaries now payable to the junior clerks, and such revision shall be made in consultation with the employees concerned.

15. Any increase in basic wages or basic salary (other than an increase awarded by any body or authority set up for determining industrial disputes or allowed under any other law for the time being in force) which has been given to a manual worker or clerk after the 30th day of March, 1957, shall be treated as a part of the increase in the basic wages or salary to which he is entitled under this Act and the provisions of this Act shall have effect accordingly.

STATEMENT OF OBJECTS AND REASONS

By the Resolution No. WB-1(3), dated the 30th March, 1957, the Government of India constituted a Central Wage Board for the cotton textile industry. The report of the Wage Board was received by the Government on the 1st December, 1959. A majority of the textile establishments have implemented the recommendations of the Board in regard to the increase in wages of manual workers and revision of pay scales of clerks employed therein; but there are still some textile establishments which have not implemented these recommendations. The object of the Bill is to secure the implementation of the Board's recommendations regarding the aforesaid matters even in respect of the textile establishments which have not so far implemented the recommendations. The notes on clauses explain the different provisions contained in the Bill.

G. L. NANDA.

NEW DELHI;

The 29th March, 1961.

Notes on clauses

Clause 3.—This clause entitles the manual workers and clerks employed in textile establishments to have their basic wages or basic salaries, as the case may be, calculated and paid in accordance with the recommendations of the Wage Board.

Clause 4.—This clause prescribes a special procedure for the recovery of amount due to manual workers and clerks in pursuance of the provisions of the Bill. The aggrieved manual worker or clerk, without prejudice to any other mode of recovery, may make an application to the State Government for recovery of the amount due to him and if the State Government or such authority as the State Government may specify in this behalf is satisfied that any amount is due to the applicant, it shall issue a certificate for that amount to the Collector and the Collector shall proceed to recover the amount in the same manner as an arrear of land revenue. Questions, if any, regarding the amount due to the manual worker or clerk will be referred to a Labour Court by the State Government and the amount found due by the Labour Court or the Industrial Tribunal may be recovered in the manner described above.

Clause 5.—The clause provides that the provisions of the proposed legislation shall have effect notwithstanding anything inconsistent in the terms of any award, agreement or contract of service.

The clause also protects any higher basic wages or a more favourable scale of salary to which any manual worker or clerk may be entitled immediately before the 1st day of January, 1960, and prevents withdrawal or curtailment of any other amenities or benefits to which they are entitled under the terms of any award, contract of service or otherwise.

Clause 6.—This clause restricts claims for further revision of the basic wages and salaries for a period of five years from the 1st day of January, 1960. The clause also provides that any strike or lock-out for the revision of such wages and salaries during the said period shall be deemed to be illegal.

Clause 7.—Sub-clause (1) of this clause takes away from the purview of this legislation textile establishments which are at present closed down or which had been or are under enquiry under section 15

of the Industries (Development and Regulation) Act, 1951, or in respect of which an order was made under section 18A of that Act and is in force. There is no point in applying the provisions of the legislation to establishments which have closed down. As regards the establishments which are under enquiry or in respect of which an enquiry has been made under the said section 15 or in respect of which an order has been made under the said section 18A, it was felt that unless their financial position was examined the provisions should not be made applicable. The legislation has also not been made applicable to establishments falling under clause 7(1)(d) or falling under clause 7(2). Power has, however, been taken to apply the provisions of this legislation to all such establishments if the circumstances as stated in sub-clause (3) of this clause warrant such application.

Clause 8.—This clause empowers the Central Government to exempt from the operation of the proposed legislation such of the establishments as are not in a position to implement the recommendations of the Central Wage Board due to financial and other relevant circumstances.

II

BILL NO. XVIII OF 1961

A Bill further to amend the Indian Standards Institution (Certification Marks) Act, 1952.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. This Act may be called the Indian Standards Institution (Certification Marks) Amendment Act, 1961. Short title.

36 of 1952, 2. In section 1 of the Indian Standards Institution (Certification Marks) Act, 1952 (hereinafter referred to as the principal Act), in Amendment of section 1. sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted.

3. In section 2 of the principal Act, in clause (c), the following Amendment of section 2 words, brackets, letters and figure shall be inserted at the end, namely:—

"and includes any standard recognised by the Institution under clause (aa) of section 3."

4. In section 3 of the principal Act, after clause (a), the following Amendment of section 3. clause shall be inserted, namely:—

"(aa) recognise as an Indian Standard, in such manner as may be prescribed, any standard established by any other Institution in India or elsewhere, in relation to any article or process;"

Amendment
of section 8.

5. In section 8 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.”.

45 of 1860.

Amendment
of section 20.

6. In section 20 of the principal Act,—

(a) in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

“(aa) the procedure and manner in which any standard established by any institution other than the Indian Standards Institution in India or elsewhere, in relation to any article or process, may be recognised.”.

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Amendment
of section 21.

7. In section 21 of the principal Act, in sub-section (2), for the word, brackets and letter “clauses (a)” the word, brackets and letters “clauses (a), (aa)” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Experience of the working of the Indian Standards Institution (Certification Marks) Act, 1952, during the last five years has revealed the need to amend it in certain respects. The definition of 'Indian Standard' in section 2 of the Act as it stands, does not permit Standard Marks being prescribed for an article or a process in respect of which the Indian Standards Institution itself has not established standards. It has been found desirable to allow Standard Marks being prescribed for articles or processes in respect of which the Indian Standards Institution has not established its own Standards, but has recognised Standards established by others. It is proposed to achieve this object by appropriately amending the definition of "Indian Standard". It is further proposed to include a provision in the Act declaring the Inspectors appointed thereunder as public servants within the meaning of the Indian Penal Code, in order to give them legal protection in the discharge of their duties. Opportunity is also being taken to extend the provisions of the Act to the State of Jammu and Kashmir.

NEW DELHI;

NITYANAND KANUNGO.

The 21st April, 1961.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill which seeks to amend section 20 of the Indian Standards Institution (Certification Marks) Act, 1952 confers on the Central Government the power to make rules regarding the procedure and manner in which any standard established by any institution other than the Indian Standards Institution, in relation to any article or process, may be recognised. These are matters of detail and the delegation of legislative power with respect to them is of a normal character.

S. N. MUKERJEE,
Secretary.